



PUBLIC MEETING NOTICE AND AGENDA

May 4, 2020

A public meeting of the Arizona Game and Fish Commission will be held on **May 15, 2020** through the use of technological means members of the public **may view the meeting at www.azgfd.gov/commissioncam or may listen to the meeting by calling 602-666-0783, Access code: 280 046 234##**. Members who listen by phone should keep their phones on mute. Copies of any presentations, documents, etc. discussed during the meeting will be available on the Department's webpage prior to the meeting. Members of the Commission will attend by telephone conference call. Unless expressly provided otherwise with any matter, **the Commission may discuss and may vote to take action on the following matters:**

Friday, May 15, 2020 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions

1. **Consent Agenda.** The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to approve briefings and updates without further public input or discussion and to approve other matters as presented, subject to approval or recommendations of the Commission's legal counsel. Commission members may remove certain items if further public input or discussion is deemed necessary.
 - a. **Approve Utility Permit Agreement with Arizona Public Service Company. Presenter: Tyler Williford, Region IV Habitat Specialist.** Utility Permit Agreement with Arizona Public Service Company for the purpose of providing power to Planet Ranch.
2. **Memorandum of Agreement (MOA) with the Natural Resources Conservation Service. Presenter: Don Larsen, Landowner Relations and Habitat Enhancement Program Manager.** The Commission may vote to authorize the Department to execute and amend as necessary a Memorandum of Agreement with the Natural Resources Conservation Service for the purpose of receiving and implementing a Voluntary Public Access and Habitat Improvement Program grant.

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5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN
JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

3. **Request to Approve Proposed Rulemaking Amending Article 2 Rules Addressing Licenses, Permits, Stamps, and Tags. Presenter: David Fernandez, Legislative Specialist.** The Department will ask the Commission to vote to approve a Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending rules within Article 2 Rules Addressing Licenses, Permits, Stamps, and Tags.
4. **Shooting Range Development Grant Requests for FY 2021. Presenter: Matthew Schwartzkopf, Statewide Shooting Range Administrator.** The Department's Shooting Range Development Grant Program received five grant applications for fiscal year 2021. The Department will ask the Commission to approve all five applications, totaling \$100,000 of the \$100,000 available. The Commission may vote to take action on, or provide the Department direction on this item.

Agenda Items #5 and 6 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.

5. **License Agreement with Yavapai County Flood Control District at Horseshoe Ranch, Yavapai County, Arizona. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** License Agreement with Yavapai County for the purpose of accessing and maintaining a stream gage and weather station on Agua Fria River on Horseshoe Ranch property.
6. **FY 2022 Proposed Budget & FY 2021 Modification. Presenter: Tom Finley, Deputy Director.** The Department will provide the Commission with a presentation on the FY '22 draft budget and proposed modifications to the FY '21 budget.

TIME CERTAIN AT 10:00 AM

7. **Hearings on License Revocations for Violations of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below:

Name	Docket #	Conviction
Braden Cooper	2020-0007	Take Wildlife (Bighorn Sheep) Without A Valid Tag.
Jeremy C. Elgin	2020-0013	Obtain Resident Hunt License By Misrepresentation.
Arturo Carbajal	2020-0014	Knowingly Shoot From A Road. Failure To Tag Immediately. Possess/Transport Wildlife (White-Tailed Deer) Without Tag Attached. Possess/Transport Unlawfully Taken Wildlife (White-Tailed Deer).

Marcus A. Tucker	2020-0017	Take Wildlife (Javelina) Without A License. Take Wildlife (Javelina) Without A Permit Tag. Take Wildlife (Javelina) By Unlawful Method. Take Wildlife (Javelina) And Knowingly Waste Edible Portions Of Game Meat.
Charles R. Griffin Sr.	2020-0018	Take Wildlife (Mule Deer) Within ¼ Mile.
Donald Parco	2020- 00138-4319	Apply For Resident Elk Tag By Misrepresentation.
Sterling “Hunter” Dewitt	2020-0020	Possess Or Transport Any Unlawfully Taken Wildlife Or Parts Of Wildlife (Black Bear).

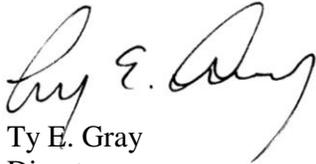
8. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief. Jim S. Chavarela has requested a rehearing regarding the revocation of his license privileges.

9. Executive Session (The Commission will not vote to take on any action during Executive Session).

- a. Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice concerning possible claims under state law for the indirect or unintentional killing of wildlife.
- b. Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission’s position concerning *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *Center for Biological Diversity v. Zinke*, CV 18-00047; *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ); *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435*; *State of Arizona v. Tim Downs, Pinal County Justice Court No. CM2018-000584*; *State of Arizona v. James Hamberlin, Pinal County Justice Court No. CM2018-000583*; *Slater v. State of Arizona, et al.*, CV 2018-097090; Center for Biological Diversity’s NOI concerning the New Mexico jumping mouse on A-S National Forest; *The National Trust for Historic Preservation v. Bernhardt*, CV 19-05008; *Wildearth Guardians v. Bernhardt*, CV-19-00441; *State of California v. Bernhardt*, CV 19-06013 and companion cases challenging the USFWS’s ESA rule changes; Owens notice of claim; Center for Biological Diversity’s NOI for Mexican spotted owl.

- c. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the legal strategy recommendations from the Department's legal strategies team.
- d. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice regarding the Department's legal authority when stray livestock present the potential for catastrophic destruction to wildlife.
- e. **Litigation and Legal Advice.** The Commission may meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purposes of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning an alleged criminal damage claim against an individual the Commission has taken license revocation action.
- f. **Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice regarding the Commission's authority to close state trust lands to hunting and to close roads providing access to state trust lands.
- g. **Purchase of Real Property and Legal Advice.** The Commission may vote to meet in Executive Session pursuant to A.R.S § 38-431.03(A)(3) and (7) for the purpose of discussion or consultation with Department staff in order to consider its position and instruct its representative regarding the purchase of real property and for the purpose of discussing and consulting with legal counsel for legal advice.
- h. **Contract Negotiations.** The Commission may vote to meet in executive session pursuant to A.R.S. § 38-431.03(A)(4) for purposes of discussion or consultation with the Commission's legal counsel in order to consider its position and instruct legal counsel regarding the Commission's position on negotiations over the GCNP Draft Bison Reduction Agreement.
- i. **Personnel Matters.** The Commission may vote to go into executive session in accordance with A.R.S. § 38-431.03(A)(1) to discuss personnel matters associated with the Director's duties, responsibilities and performance. The Commission may take action in the public session or defer any action to a later date.

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Ty E. Gray
Director

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The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order. Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4). One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

“Managing Today for Wildlife Tomorrow”